

JANE STILLWATER, Pro Se
2817 Milvia Street
Berkeley, CA 94703
Telephone: (510) 843-0581
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FILED

FEB 25 2025

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Jane Stillwater,

Plaintiff,

vs.

United States of America,

Defendant.

Case No.:

CV-25-1995

COMPLAINT FOR DAMAGES

Date:

Time:

Dept:

DMR

1. Jurisdiction:

a. This court has jurisdiction over this complaint because it arises under the laws of the United States and the Federal Tort Claims Act (FTCA). See *FDIC v. Craft* (9th Cir. 1998) 157 F.3d 697, 706; *Kennedy v. United States Postal Service* (9th Cir. 1998) 145 F.3d 1077, 1078; 28 U.S.C. §2679(a). "The United States is the only proper defendant in an FTCA action."

COMPLAINT FOR DAMAGES

1 b. For this reason, the United States, not the United States Postal Service
2 (USPS), is the proper defendant in an FTCA case (*Kennedy*, 145 F.3d at 1078).

3 c. Plaintiff Jane Stillwater (Plaintiff) also filed a Form 95 that is required by the
4 FTCA before a federal lawsuit can proceed. (See Exhibit 1: Letter from USPS's General
5 Law Unit, regarding Plaintiff's requirement to file Form 95)

7 d. Plaintiff's petition was denied, thus qualifying the United States District Court
8 as the correct jurisdiction. (See Exhibit 2: Letter denying Form 95)

9 e. Defendant United States of America (Defendant) is also obligated by Article I,
10 Section 8, Clause 7 of the United States Constitution to provide mail services.

11 **2. Venue:** Venue is appropriate in this court pursuant to 28 U.S.C § 1391
12 because a substantial amount of the acts and omissions giving rise to this lawsuit
13 occurred in this district.

14 **3. Intradistrict Assignment:** This lawsuit should be assigned to the Oakland
15 Division of this Court because a substantial part of the acts and omissions which give
16 rise to this lawsuit occurred in Alameda County.

17 **4. Parties:**

18 a. Plaintiff, at all times herein mentioned, was a U.S. citizen, a resident of
19 Berkeley, California, was on a fixed income, was partially disabled and was 81 years
20 old.

21 b. Defendant is at all times herein mentioned, is the proper defendant in this
22 action due its supervisory capacity over the USPS, an agency of the executive branch
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1 of the United States federal government providing postal service in the United States, its
2 insular areas and its associated states.

3 1. An 11-member Board of Governors is appointed by the
4 President of the United States as the governing body of the USPS, with the advice and
5 consent of the Senate.
6

7 2.. The Postal Regulatory Commission, a federal government body
8 under auspices and control of Defendant, is responsible for oversight of the U.S. Postal
9 Service, including overseeing rates and services, and assuring that the Postal Service
10 meets all of its legal requirements.
11

12 **6. Statement of facts:**

13 a. On or about August 20, 2024, upon information and belief, USPS, operating
14 as an agent of Defendant, owned, maintained and controlled a postal delivery system
15 that was authorized and required to deliver Plaintiff's mail to her address at 2817 Milvia
16 Street, Berkeley, CA 94703.
17

18 b. For six days a week during the last 14-year period before August 20, 2024,
19 USPS had provided mail service to Plaintiff's address at 2817 Milvia Street, Berkeley,
20 CA 94703.
21

22 c. On or about August 20, 2023, USPS stopped delivering mail to Plaintiff.

23 d. On September 9, 2023, when Plaintiff complained that her mail service had
24 been disrupted, USPS informed Plaintiff that it no longer delivered mail to Plaintiff.
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1 e. USPS's reason for refusing to deliver Plaintiff's mail was that the lock on her
2 apartment block's mailbox was missing.

3 f. In September of 2023, USPS informed Plaintiff that USPS was responsible for
4 replacing Plaintiff's missing mailbox lock.

5 g. In September of 2023, a USPS representative informed Plaintiff that USPS
6 did not have a replacement lock and that even if it did, USPS only had one (1)
7 technician to install *all* broken or missing locks within the entire area of Berkeley,
8 Oakland, Vallejo, Richmond, Albany, El Cerrito, San Leandro, San Lorenzo and
9 Hayward.
10

11 h. Plaintiff was further informed by USPS that Plaintiff would be required to pick
12 up her mail at a Berkeley USPS sub-station located approximately three miles from her
13 home.
14

15 i. Plaintiff then complained many times to various mail carriers as well as
16 several postal clerks and a supervisor at the USPS Berkeley sub-station regarding
17 USPS's refusal to deliver Plaintiff's mail.
18

19 j. Four months passed and yet this issue remained unresolved.

20 k. In January of 2024, Plaintiff contacted USPS's Office of Inspector General in
21 Washington DC in an effort to finally get Plaintiff's mail delivered.
22

23 l. On January 23, 2024, Plaintiff sent a letter to the USPS Consumer and
24 Industry Contact Office, demanding USPS fix Plaintiff's mailbox lock.
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1 m. In January of 2024, Plaintiff notified her Congressional
2 Representative's office of her untenable situation and said office also notified the
3 USPS of this problem.
4

5 n. In January of 2024, Plaintiff notified a local television station of her dire
6 situation.
7

8 o. KTVU then telecast a news segment on her plight and, within hours of
9 the segment's airing, the USPS finally committed to KTVU that USPS was
10 intending to fix Plaintiff's mailbox.
11

12 p. On approximately January 24, 2024, Plaintiff received a phone call from
13 USPS informing her that her new lock had finally been ordered and would be installed
14 within seven days.

15 q. Mail service to Plaintiff was finally resumed on February 8, 2024, **one**
16 **hundred and fifty five days** after Plaintiff's mail service had been cut off.
17

18 r. On February 5, 2024, Plaintiff filed a Summons and Complaint for Damages
19 on USPS with the Alameda County Superior Court, followed by a Proof of Service, a
20 Case Management Conference Statement and a Request for Entry of Default
21 Judgment.
22

23 s. Only after all of these documents had been served did Defendant officially
24 respond to Plaintiff's Complaint, informing Plaintiff that she had used the wrong venue.
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1 t. On June 17, 2024, Superior Court judge Keith Fong issued an Order to
2 Dismiss Plaintiff's case without prejudice due to matters of jurisdiction.

3 **7. Claims:**

4 a. As a proximate result of Defendant's entity, USPS, being unable or unwilling
5 to replace her mailbox lock, Plaintiff was forced to waste many hours and endure much
6 inconvenience and even suffer physical pain in her attempts to retrieve her mail and to
7 get the mailbox lock replaced.

8 b. As a result of USPS's deliberate or unintentional carelessness,
9 unprofessional conduct and lack of respect for USPS's obligations to Plaintiff, Plaintiff
10 was inconvenienced, caused mental and physical pain and suffering, lost money and
11 suffered general damages as well.

12 c. As a further proximate result of USPS's failure to keep its business
13 commitments, Plaintiff was prevented from accessing her mailbox for 155 days.

14 d. It is difficult to determine whether or not Plaintiff may have also lost valuable
15 items of mail in the prolonged shuffle between the Berkeley Post Office and Plaintiff as
16 a result of Defendant's carelessness and failure to properly finance USPS operations as
17 required by law.

18 e. Estimates of time wasted and hardships endured by Plaintiff as a result of
19 Defendant's and USPS's negligence are as follows:

20 1. Plaintiff made approximately ten (10) trips to the Berkeley USPS
21 sub-station in order to pick up her mail. Each trip was approximately 45 minutes long,
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1 for a total of approximately 450 minutes (7.5 hours), in addition to bus fare and/or
2 money spent on vehicular transportation.

3 2. Plaintiff spent on the average of 30 minutes a day, at least four
4 days a week, standing on the corner near her home, rain or shine, in order to try to
5 intercept mail carriers in order to see if they might have mail for her.
6

7 3. Plaintiff suffers from damaged cartridge in both knees which
8 makes it hard for her to stand for prolonged periods of time, especially in the rain.
9

10 e. Defendant is obligated by Article 1, Section 8, Clause 7 of the United States
11 Constitution to provide mail services. Plaintiff therefore claims her fundamental
12 Constitutional right to receive mail service, and that said right has been denied Plaintiff
13 due to Defendant's incompetence.

14 1. Plaintiff's right to receive mail was first established by Article I,
15 Section 8, Clause 7 of the United States Constitution.
16

17 2. Additional precedence was also set by the fact that Plaintiff has
18 received mail in this self-same mailbox for the past 14 years and that said service has
19 never been interrupted by Defendant's incompetence during that time.
20

21 3. Precedence was also set by Plaintiff's own father who was a
22 postmaster for 40 years and, during all those years, never did her father's post office
23 ever fail to deliver the mail, even during the great flood of 1952 when almost a third of
24 his post office was under water.
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27 COMPLAINT FOR DAMAGES
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1 f. For further examples with regard to Plaintiff's statements of claims, please see
2 Exhibit 3 (Plaintiff's record of suffering and inconvenience) and Exhibit 4 (Various
3 official complaints made by Plaintiff).
4

5 **8. Request for Relief:**

6 a. Plaintiff claims the following damages and punitive damages due to time
7 wasted, worry, inconvenience, physical pain suffered by Plaintiff due to Defendant's
8 failure to fulfill its Constitutional duty to Plaintiff.
9

10 1. For 155 days, Plaintiff was continually forced to go to painful
11 extremes in order to pick up her mail until a local TV station featured her distress on its
12 news program and Defendant finally actually fixed Plaintiff's mailbox lock several weeks
13 after the news segment aired.
14

15 2. Plaintiff spent approximately 40 hours in actively trying to obtain
16 her mail. At a rate of \$25 per hour, that would come to approximately \$600 in time
17 wasted.
18

19 3. Transportation costs: \$75.

20 4. Time and money spent contacting her Congressional
21 Representative, the Postmaster General, the local Superintend of Mails, Defendant's
22 Inspector General and the local TV news station: \$500.
23

24 5. Pain and suffering: \$1000.

25 6. In addition, Plaintiff seeks punitive damages of \$1000.
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1 7. On Approximately January 22, 2024, Plaintiff was informed by
2 USPS that her mailbox lock had finally been *ordered* and that it would be installed within
3 seven more days. Plaintiff's mailbox was not restored until February 8, 2024, causing
4 Plaintiff much more pain and suffering.
5

6 8. Plaintiff also suffered from worry, financial distress, mental
7 agitation and opportunities lost due to USPS's negligence, in the amount of \$650.
8

9 9. Time and money spent by Plaintiff while filing a Complaint for
10 Damages with Alameda County Superior Court as well as a Proof of Service, a Case
11 Management Statement, a Request for Damages Against Defendant and a Request for
12 Entry of Default.

13 A. Only after receiving Plaintiff's Request for Entry of Default
14 was the court finally informed that Plaintiff needed to file a Form 95 before suing
15 Defendant, not USPS, and that the proper jurisdiction was in Federal Court, thus
16 wasting approximately 30 hours of Plaintiff's time as well as inconveniences suffered
17 and expenses incurred by Plaintiff for a total amount of \$1000 (See Exhibit 5: June 17,
18 2024 Order for Dismissal).
19

20 10. Plaintiff asks for additional relief from Defendant in the
21 amount of \$1000 in compensation for Plaintiff having suffered Defendant's intentional
22 fraud, misuse of federal funds and failure to act as a proper steward of the interests of
23 American citizens as follows:
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1 A. Spending approximately seven trillion dollars in pursuit of
2 myriad foreign military adventures that did not and do not benefit American citizens.

3 B. Failing to provide relief to victims of the Los Angeles fires
4 and the North Carolina hurricane while instead forcing Americans into trillions of dollars
5 of debt in order to commit war crimes and genocide outside of America, war crimes that
6 are not in America's best interests and that violate the American Constitution.
7

8 C. Failing to deliver United States Postal Service excellence
9 in order to prioritize the interests of weapons manufacturers, etc. at the cost of
10 American citizens.
11

12 b. Wherefore, Plaintiff is asking for \$5,625 in relief as well as court costs and any
13 further relief that the Court may deem proper.

14 **9. Demand for Jury Trial:** No jury trial is requested.

15 **10. Plaintiff's Signature:**

16
17 Dated: February 14, 2025
18

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20 
21
22 By Jane Stillwater
23 Pro Se
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COMPLAINT FOR DAMAGES

LAW DEPARTMENT
NATIONAL TORT CENTER



VIA CERTIFIED MAIL 9589 0710 5270 0568 9095 45

RETURN RECEIPT REQUESTED

Monday, July 8, 2024

Ms. Jane Stillwater
2817 Milvia Street
Berkeley, CA 94703

Ms. Stillwater:

The Postal Service is in receipt of your inquiry regarding submitting a Standard Form 95: Claim for Damage, Injury, or Death with the United States Postal Service. Correspondence to the National Tort Center, under the Federal Tort Claims Act, must conform in all respects with Title 28 United States Code §1346, 2671-2680; Title 28 Code of Federal Regulations Part 14; and Title 39 Code of Federal Regulations Part 912 to be considered by this office.

If it is your intent to present an administrative tort claim with the United States Postal Service, as stated above, under the provisions of the Federal Tort Claims Act the claim must conform in all respects with Title 28 United States Code §1346, 2671-2680; Title 28 Code of Federal Regulations Part 14; and Title 39 Code of Federal Regulations Part 912. Accordingly, the claim should state, with specificity, sufficient facts to allow the government to investigate its liability, and a "sum certain" amount for injuries or losses alleged to have occurred by reason of the incident. Please note that "sum certain" is the term used to identify the amount of damages the claimant seeks to resolve the dispute. Further, it should be accompanied by supportive documentation, and exhibit an **original ink signature**. **Please be advised that neither the Department of Justice regulations nor Postal regulations provide for acceptance of electronically mailed tort claims.**

Typically, a Standard Form 95, Claim for Damage, Injury or Death, is used to convey this information. However, other written notification accompanied by a specific claim for money damages may be submitted in lieu of the Standard Form 95. A blank Standard Form 95 is enclosed for your review and convenience.

Should you decide to file a valid claim with the United States Postal Service, the claim should be submitted in accordance with the standards set forth in 39 CFR Part 912.4; the contact information for the Tort Claims and Collections Specialist is: **Tajinder Ghera, Tort Claims and Collections Specialist, United States Postal Service, 3775 Industrial Blvd., Rm. 2089, West Sacramento, CA 95799-0044.**

1720 MARKET STREET, ROOM 2400
ST. LOUIS, MO 63155-9948
TEL: 314/345-5820
FAX: 314/345-5893

EXHIBIT 1

- 2 -

Please note that an administrative claim must be presented in writing to the appropriate federal agency and received by the agency within two years from the time such claim accrues. Please see 28 U.S.C. §2401(b). Until a valid claim is received, the statute of limitations, as noted above, continues to run.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy I. Smock', with a stylized flourish at the end.

Jeremy I. Smock
Paralegal Specialist
314-345-5868

Enclosures: Blank SF-95

CC: Tajinder Ghera
Tort Claim and Collections Specialist
File No. 111-11-1111

TORT CLAIMS
ACCOUNTING SERVICE CENTER



UNITED STATES
POSTAL SERVICE

CERTIFIED NO: 7020 3160 0001 4754 5445

RETURN RECEIPT REQUESTED

November 27, 2024

Jane Stillwater
2817 Milvia St
Berkeley CA 94703

RE: Claimant: Jane Stillwater
USPS File No: TC2024 59702

Dear Sir/Ma'am

This is in reference to the administrative claim you filed under the provisions of the Federal Tort Claims Act, as a result of damages sustained on or about August 20, 2023.

We cannot consider your claim because it does not constitute a tort under the Federal Tort Claims Act. Therefore, your claim is denied.

In accordance with 28 U.S.C. § 2401(b) and 39 C.F.R. 912.9(a), if dissatisfied with the Postal Service's final denial of an administrative claim, a claimant may file suit in a United States District Court no later than six (6) months after the date the Postal Service mails the notice of that final action. Accordingly, any suit filed in regards to this denial must be filed no later than six (6) months from the date of the mailing of this letter, which is the date shown above. Further, note the United States of America is the only proper defendant in a civil action brought pursuant to the Federal Tort Claims Act and such suit may be heard only by a federal district court.

Alternatively, and in accordance with the regulations set out at 39 C.F.R. 912.9(b), prior to the commencement of suit and prior to the expiration of the six (6) month period provided in 28 U.S.C. § 2401(b), a claimant, his duly authorized agent, or legal representative, may file a written request for reconsideration with the postal official who issued the final denial of the claim. Upon the timely filing of a request for reconsideration, the Postal Service shall have six (6) months from the date of filing in which to make a disposition of the claim and the claimant's option under 28 U.S.C. § 2675(a) shall not accrue until six (6) months after the filing of the request for reconsideration.

- 2 -

A request for reconsideration of a final denial of a claim shall be deemed to have been filed when received in this office.

Sincerely,

M. Favors

M. Favors
Accounting & Control Specialist

cc: TJ Ghera
Tort Claims Coordinator
Case No: 956-24-00631025A

EXHIBIT 3:

PLAINTIFF'S RECORD OF SUFFERING AND INCONVENIENCE

September 9, 2023: My apartment block's mailbox lock broke on approximately August 20, 2023 and since that time all twelve residents here have had to go all the way down to the San Pablo Avenue branch of the Berkeley USPS in order to pick up our mail. The lock has been broken for almost two months so far.

Numerous complaints to the USPS have been made with no results. We have been told that the USPS has the new lock but only has one person qualified to install it and that person is the only one working on lock installation within an area between Vallejo and Hayward.

All twelve residents here are either disabled, elderly or work during the day so picking up our mail is hard if not impossible. I know for a fact that all twelve residents here are rather pissed off.

November 1, 2023: On Halloween, we had decorated the mailbox with stuffed animals and Mardi Gras beads, hoping that our mail carrier would get the message.

December 4, 2023: I'm really getting weary of standing on corners for hours, waiting for my mail carrier so I could try to talk him into giving me my mail. On Saturday he was either early or late but I kept going outside every half-hour from 2:00 pm until 6:30 pm before I finally gave up waiting for him.

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1 **January 10, 2024:** Spent yet another half-hour waiting on the corner for the mail
2 carrier. My knees hurt from standing around so long -- but at least I'm getting a lot of
3 reading done while I wait and wait and wait. This whole thing is getting ridiculous. The
4 post office used to be a revered institution back when my father was a postmaster. Now
5 it's just becoming unreliable, poorly managed and under-funded.
6

7 **February 1, 2024:** I can't believe that I've been participating in this mail-chasing
8 marathon for over *five* months now. Me and the other residents here are now really
9 really really pissed off.
10

11 In addition, who knows if I am actually receiving all my mail as it is being
12 bounced around from place to place. I'm expecting W-2s to arrive so I can file my
13 income tax and also a bunch of other stuff. How in the world am I supposed to know
14 whether or not what kinds of mail are or are not being delivered? And I'm still standing
15 out on the corner four days a week at the least. Today there was an "atmospheric river"
16 on my corner. I got soaked to the bone from the waist down -- even with an umbrella.
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COMPLAINT FOR DAMAGES

EXHIBIT 4:

VARIOUS OFFICIAL COMPLAINTS MADE BY PLAINTIFF

January 18, 2024:

Filed an online complaint with the USPS regarding my lack of mail delivery. Here is USPS's reply:

Thank you for contacting USPS®. Please find your service request number below. You will receive a confirmation email soon. Service Request Number: 59677437

January 19, 2024:

Filed a five-page online complaint with the Office of the Inspector General, USPS.

"Thank you, your submission has been received."

Reply regarding my January 18 complaint: First Contact for Service Request # 59677437 [ref:!00Dj00GyYH.!500BY01oWXt:ref] We appreciate your patience while we investigate this matter. Sincerely, La Shanda Hicks, General Clerk, 1675 7th St., Oakland, CA 94615 (510) 874-8770

January 20, 2024: Stood out in the rain as usual, standing on the corner, waiting for the mail carrier in hopes that he might have brought my mail.

January 22, 2024: Received the following communication from the USPS Office of the Inspector General:

COMPLAINT FOR DAMAGES

After careful review, we have determined the U.S. Postal Service Consumer and Industry Contact Office is the proper office to handle your concern. We have forwarded this inquiry to your local consumer affairs office for direct response to you.

Please direct all further inquiries to the office noted below. We have no further information to provide now that your concern has been forwarded.

For further information, please contact:

USPS Consumer and Industry Contact Office

PO Box 7834 San Francisco, CA 94120-7834

(916) 373-8630 or (800) ASK-USPS (800-275-8777)

Thank you for contacting the Postal Service Office of Inspector General Hotline.

Sincerely,

The OIG Hotline Team **Submitted On** Friday, January 19, 2024, 09:54 am

Submission ID: 516235

I am a? USPS Customer

Do you wish to remain anonymous? No

Do you want confidentiality? No

Are you willing to be interviewed? Yes

Full Name: Jane Stillwater

Street Address: 2817 Milvia Street

City: Berkeley

State: CA

COMPLAINT FOR DAMAGES

1 **Zip Code:** 94703

2 **Primary Phone Number:** 5108430581

3 **Secondary Phone Number:** 5102605458

4 **E-mail Address:** jpstillwater@yahoo.com

5 **When did the misconduct occur?** 2023-08-20

6 **Who committed the alleged misconduct/wrongdoing?** USPS, Berkeley Post Office

7 **What are the facts?** My apartment block's mailbox lock broke on approximately
8 August 20, 2023 and since that time all twelve residents have had to go all the way
9 down to the San Pablo Avenue branch of the Berkeley USPS in order to pick up our
10 mail. The lock has been broken for 134 days so far. Numerous complaints to the USPS
11 have been made with no results. I have been told that the USPS has the new lock but
12 only has one person qualified to install it and that person is the only one working on lock
13 installation within an area between Vallejo and Hayward. All twelve residents are either
14 disabled, elderly or work during the day, so picking up our mail is hard if not impossible.
15

16 **Where did the misconduct/wrongdoing occur?** 2817 Milvia Street, Berkeley, CA
17 94703

18 **How was the misconduct/wrongdoing committed?** I've received NO mail since
19 August 20, 2023. The USPS is responsible for fixing my lock. It has not.
20

21 **Do you have first-hand knowledge of the misconduct/wrongdoing?**

22 Yes. I am forced to pick up my mail at a Post office branch some distance from my
23 home.
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1 **Where can we obtain additional information concerning the**
2 **misconduct/wrongdoing?** Berkeley Post Office, myself.

3 **Who else might be aware of the misconduct/wrongdoing?** All 12 households in my
4 apartment block; San Pablo Avenue USPS branch employees; my mail carriers.

5
6 **January 23, 2024:** I sent a letter to the USPS Consumer and Industry Contact
7 Office, demanding USPS fix my mailbox lock and that USPS reimburse me for
8 my inconvenience, pain and suffering.

9
10 **January 25, 2024:** Received an e-mail from my Congressional Representative's office:

11 Hello Ms. Jane Stillwater,

12 Thank you for speaking to me over the phone about your case.

13 As I mentioned over the phone, the U.S.P.S. responded to the inquiry we submitted on
14 your behalf. The U.S.P.S. provided the following response:

15
16 The Berkeley Station A Post Office requested a new lock on January 22nd, 2024 and are
17 currently waiting for the new lock to come in from the office of facilities. They also
18 informed me that you can expect the lock to be fixed within the next week. Should you
19 have any questions, you can contact Teresa Alexander, the Berkeley Station A
20 Supervisor Customer Services, at (510) 644-1459.

21
22 There is no further action that our office can take regarding this matter. Thank you so
23 much for reaching out to the Office of Congresswoman Barbara Lee. Please do not
24 hesitate to reach out to our office if you require further assistance with a federal agency
25 in the future.
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1 Best, Alison Trinh

2 **February 5, 2024:** My mailbox lock still isn't fixed -- even though I had received a
3 phone call ten days ago, promising me that the lock would be fixed within seven days.
4 And, yes, I am still hanging out on the corner in the rain, waiting to waylay my mail
5 carrier in hopes of intercepting my mail.
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
Hayward Hall of Justice

Jane Stillwater
Plaintiff/Petitioner(s)
VS.
United States Postal Service
Defendant/Respondent
(s)

No. 24CV062661

Date: 06/17/2024

Time: 9:58 AM

Dept: 517

Judge: Keith Fong

ORDER for Dismissal

A trial court has the inherent power to determine its own jurisdiction and may therefore sua sponte dismiss a claim where subject matter jurisdiction is lacking. (Benitez v. Williams (2013) 219 Cal.App.4th 270, 275.)

The Federal Tort Claims Act (FTCA) is the exclusive remedy for tortious acts or omissions of federal employees and federal agencies. (See FDIC v. Craft (9th Cir. 1998) 157 F.3d 697, 706; Kennedy v. United States Postal Service (9th Cir. 1998) 145 F.3d 1077, 1078; 28 U.S.C. § 2679(a). "The United States is the only proper defendant in an FTCA action." (Lance v. United States (1995) 70 F.3d 1093, 1095.) For that reason, the United States, not the Postal Service, is the proper defendant in an FTCA case. (Kennedy, 145 F.3d at 1078.)

In this case, Plaintiff is suing the U.S. Postal Service for failing to deliver her mail and for failing to replace her mailbox lock. The Postal Service is not a proper party; rather, Plaintiff must sue the United States. Moreover, to the extent that Plaintiff desires to pursue such a claim, she must bring her claim in federal court.

This action is dismissed in its entirety for lack of jurisdiction without prejudice to renewal in federal court. The Clerk shall administratively dispose the case.

The Court orders the Complaint filed by Jane Stillwater on 02/05/2024 dismissed without prejudice.

The following event(s) is/are advanced to this date and vacated:
06/20/2024 2:30 PM Initial Case Management Conference in Department 517

Dated : 06/17/2024



Keith Fong / Judge